

## Sondra Gordon

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**From:** horst schmidt <horsthear@yahoo.com>  
**Sent:** Wednesday, April 18, 2018 10:17 AM  
**Subject:** SB 652/653/654

These comments are from Horst Schmidt, President of the Upper Peninsula Environmental Coalition, based on our experiences of reviewing and commenting on mining applications submitted to the DEQ as well as interacting with agency personnel as we go through the Part 632 process. We assume mining corporations have similar access to DEQ personnel. I thank you for considering our comments.

We are very disappointed that misguided intentions of SB 652-653 have gotten this far in the legislative process. Our organization has been working hard to be sure mining regulations are enforced by the DEQ. Though we are not privy to conversations between the bills' sponsors and mining companies such as Lundin, Highland and Aquila, careful review of their permit applications and other documents clearly shows that they often have difficulty meeting the requirements under Part 632. Much of the trouble lies at their feet. They do not provide sufficient and correct information, and even submit misleading or outdated documents to regulators. When asked to provide additional or corrected materials, they will often send slightly revised or outdated materials. They make promises to follow the rules, yet do not provide evidence or proof that they have done so.

When UPEC reviews the mining applications, we find these gaps and omissions, and bring them to the attention of DEQ personnel. Since our organization has become proficient in analyzing their data, we provide the technical comments that the agency requires of citizens and citizen-based organizations to be seriously considered. Frequently the personnel are unwilling to accept our comments even after reasoned argument. It is disappointing to find the agency unwilling at times to enforce its own regulations and to issue a permit violations for obvious infractions.

The following points should be considered by your Committee:

1. Environmental organizations, such as ours, are extremely limited in our ability to influence regulatory decision-making. We have no lobbyists, and no paid staff working on the review of complex environmental permits. We participate in only four stakeholder meetings with regional DEQ staff, 3 hours each, *per year*.
2. Regulations are not obstacles to be overridden by special interests as proposed in SB 652 and 653.
3. Taxpayers are subsidizing the cost of legacy pollution from more than 175 years of industrialization – especially mining – as witnessed by the large number of brownfields throughout the state
4. Old or abandoned mining operations in the Upper Peninsula are still not cleaned up.
5. The DEQ approved over 99 percent of all permit applications submitted in 2016 and 2017
6. We actively review, submit detailed comments upon, or publicly state our opposition to only a handful of applications each year, due to our desire to protect the clean water and wild lands of Michigan's Upper Peninsula, and an overall lack of transparency and accountability on the part of global mining companies operating in our communities
7. Due to the complexity of the data submitted and the grave consequences should a mining corporation make the wrong choices, the amount of time and scrutiny required for a mining company to receive a major permit, on average less two years, is entirely warranted in order to protect Michigan's environment from long-term environmental damage

It would be ill-considered and contrary to federal law to allow passage of SB 652, 653, 654, creating a "review board" in which the representatives of the industries being regulated are able to veto, over-rule, or otherwise object to DEQ permitting decisions. Industry would not be held accountable, and federal and state

environmental laws would be undermined. This back door approach to negating environmental protections is unconscionable as well as bad public policy. We urge the Committee to reject these pieces of legislation and leave the current regulatory framework, as flawed as it is, in place.